

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SARA MAE ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-07500

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff Sara Mae Adkins' Complaint seeking review of the decision of the Acting Commissioner of Social Security¹ (ECF 2). By Standing Order entered September 2, 2010, and filed in this case on November 8, 2012, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). Following Magistrate Judge Stanley's retirement, the case was transferred to United States Magistrate Judge Dwane L. Tinsley. (ECF 12.) Magistrate Judge Tinsley submitted a PF&R on January 24, 2014 (ECF 14), recommending that this Court reverse the final decision of the Commissioner, remand this action for further proceedings, and dismiss this case from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013, replacing the former Social Security Commissioner, Michael J. Astrue, the original Defendant in this case. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Ms. Colvin is automatically substituted as the Defendant.

which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the January 24, 2014, PF&R in this case were due on February 10, 2014. (ECF 14 at 19.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 14], **REVERSES** the final decision of the Commissioner, **REMANDS** this case to the Commissioner for further proceedings, **DISMISSES** the Complaint [ECF 2], and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 14, 2014



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE